

ZONING ORDINANCE

Calvert County, MD

Department of Planning and Zoning

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ARTICLE 5

DEVELOPMENT REQUIREMENTS

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5-1 LOT AREA, LOT WIDTH, SETBACK & HEIGHT REQUIREMENTS

5-1.01 Purpose

A. In general, the purpose of setbacks is to ensure that the use of a property does not infringe on the rights of neighbors, to allow room for lawns and trees, for light and sunshine in the home, for space for recreation outside the home, and to serve as filtration areas for storm water run-off.

In the Rural District, dwelling setbacks are also needed to provide a buffer from permitted agricultural uses, such as raising animals, and to provide privacy for those desiring a more rural atmosphere.

Front Yards: Adequate front yards reduce the noise and dust that can reach a home. Within a district, relatively uniform setbacks are needed to prevent structures from obstructing views on adjoining lots.

Side Yards: Adequate side yards are needed to provide light and air between buildings. In particular, a

noise and visual buffer is needed if windows are located on the side of a dwelling.

Rear Yards: Adequate rear yards are needed to provide an area for recreation, storage, clotheslines, etc.

B. Minimum lot sizes are specified where needed to:

1. Encourage development in those areas of the County established in the Comprehensive Plan as suitable for development;
2. Encourage compatible development;
3. Promote a healthy living environment.

5-1.02 Lot Area, Lot Width & Setback Requirements for Standard Development

A. Standard Development: Residential, Public, Non-profit Clubs & Institutions

Figure 4: Examples of Front, Side & Rear Yards

B. Exceptions

1. In the Rural District, a parcel recorded on or before October 21, 1974, may be eligible for a maximum of five lots of not less than three acres each before having to average lot sizes of not less than five acres each (or .2 units per acre). Additional development on the same parcel shall be limited to a density of .2 units per acre.

2. Lot size in the Rural District may be reduced to not less than one acre and 150 feet of lot width provided that:

- a. The sale or transfer of such lots shall be limited to any parcel described and set forth in a deed recorded as of June 29, 1967, and
- b. No more than three one-acre lots shall be permitted from any such parcel after June 29, 1967, and
- c. Use of such lots shall be restricted to single-family residential purposes, and

d. If the original property has been subdivided:

- i. And the owner of record as of June 29, 1967 retains a portion of the property, he may designate which parcel is eligible for the one acre lots, unless the right has already been legally conveyed by deed, or
- ii. if the owner of record as of June 29, 1967 no longer owns the property and the eligibility has not been legally conveyed, all parties having fee simple interest in any portion of the original property must agree on which parcel or parcels will be eligible for the remaining unused one acre lots, and

e. If there are questions concerning eligibility for one acre lots, the burden of proof is on the applicant. A title search may be required. Decisions concerning eligibility for one acre lots are to be made by the Zoning Officer and may be appealed to the Board of Appeals with the decision based on the above provisions.

3. For lots properly approved and recorded before the adoption of this Ordinance, the following shall apply:

(2/27/92) a. Setbacks - The Zoning Officer shall apply recorded setbacks. If setbacks were not recorded, the Zoning Officer shall use the setbacks for a similar sized lot as indicated in Section 5 - 1.02 regardless of whether the lot is served by a community water or sewer system. If other existing structures in the community fail to meet the applicable side or rear setbacks, the Zoning Officer may reduce the minimum side or rear setback to that of other existing structures, so long as the reduction is given written approval by the

adjoining property owners.

b. Lot Size - If a lot was legally recorded prior to the adoption of the Zoning Ordinance on June 29, 1967 or if it met the lot size requirements at the time it was recorded, that lot is buildable if:

- i. The building can meet the minimum setbacks for a lot of equivalent size as per Section 5-1.02, and
- ii. The lot receives Health Department approval, and
- iii. the lot has adequate access to a road constructed to the standards specified in the Calvert County Road Ordinance.

c. Residue from Comprehensive Rezoning - If a portion of a recorded lot is comprehensively rezoned to Rural Commercial, the residue shall be considered a buildable lot if it meets the criteria in (a) and (b) above.

d. Lot Line Amendments - The Department of Planning and Zoning may approve lot line amendments for existing buildable lots so long as the amendment does not affect whether the lots are buildable. Health Department approval may be required.

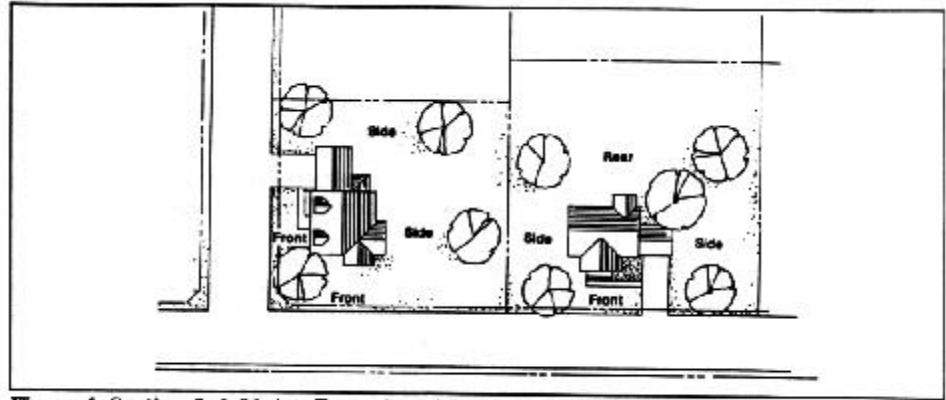


Figure 4: Section 5 - 1.01.A - Examples of Front, Side & Rear Yards

Figure 5: Zero Lot Line Development

4. Zero Lot Line Development: Any interior side yard setback may be reduced to zero provided that the opposite side yard equals 25 percent of the site frontage. Where a zero side yard setback is used, the abutting property must be held under the same ownership at the time of initial construction or the owners of the abutting property must sign an agreement or deed restriction which grants consents in writing to such zero setback.

For the purpose of upkeep and repair of structures located adjacent to an interior property line, a maintenance easement shall be made a part of the property agreement or shown on a recorded plat. Such easement shall be an irrevocable covenant and shall run with the land. Proof of said recorded easement shall be submitted to the Division of Inspections and Permits prior to issuance of a building permit.

5. Transfer Zone District Lot Size: Lots in Transfer Zone Districts may be reduced to one acre subject to criteria established in Section 4-3.

6. Low and Moderate Income Housing Development: The Planning Commission has a commitment to make recommendations for the provision of low and moderate income housing in Calvert County. These recommendations will be developed following a special study and an opportunity for citizen review and input. Approval by the County Commissioners is required for

inclusion in the Zoning Ordinance.

(3/2/93) 7. Subdivision of Water Frontage Along Creeks and the Chesapeake Bay: For new lots created after the adoption of this Ordinance, the following minimum lot widths on the water are permitted only if a note is placed on the plat which states that no private piers are permitted. (See Section 5-4.07.B for community pier provisions.) This Section does not apply to waterfront lots adjacent to the shoreline of the Patuxent River.

a. Rural District - 100' width with the house site restricted to a location where the lot width satisfies Section 5-1.02.A. If a cluster subdivision is designed, there shall be a minimum 60' open space separating all clustered lots from year-around, free-flowing waterways.

b. R-1 and R-2 Districts - 50' width with the house site restricted to a location where the lot width satisfies Section 5-1.02.A. If a cluster subdivision is designed, there shall be a minimum 60' open space separating all clustered lots from year-around, free-flowing waterways.

c. Town Center District - There shall be a 25' minimum lot width on the waterfront.

(3/2/93) 8. Subdivision of water frontage along the main body of the Patuxent River: The minimum lot width for lots adjacent to the main body of the Patuxent River shall be 25'.

5-1.03 Lay-out and Design of Single-Family Residential Communities (1/4/93)

Residential communities outside Town Centers shall be designed to fit into the existing rural landscape in a manner that will retain the land's capacity to grow crops, produce timber, provide wildlife habitat, prevent soil erosion, provide recreational open space, contribute to maintaining clean water and air and preserve rural character. These features not only contribute to the health and welfare of County residents but also contribute to the economic base by providing jobs and revenues in resource-related and tourism-related enterprises. New buildings and roads shall be designed to enhance rather than to replace these important existing features. Site disturbance shall be held to a minimum.

A. Procedure

1. All of the requirements listed in the Calvert County subdivision regulations shall be met. Where there is a discrepancy between minimum standards or dimensions noted herein and other official regulations, the highest standard shall apply.

2. Applicability A(5/28/96) The provisions of this Section apply to all single-family detached subdivisions outside of Town Center Zoning Districts with the following exceptions:

a. Agricultural Preservation Districts (APDs), from which transferable development rights have been sold, are exempt from these regulations.

b. Within designated Conservation Districts and Critical Areas, the provisions in Section 4-4 (Conservation Districts) and 4-6 through 4-9 (Critical Area) supersede this Section.

(5/28/96) c. In cases where the parent tract as of January 1, 1993 is less than twenty (20) acres, clustering is encouraged but not required. The applicant will have the option to do one of the following:

i. Design the subdivision as a conventional subdivision with the conventional building restriction lines; minimum lot widths and minimum lot sizes of the corresponding zoning district excepting that a front roadway buffer shall be provided in accordance with Section 5-1.03.D.5.b. or

ii. Design the subdivision as a cluster subdivision meeting all the requirements of Section 5-1.03.D. An adjacent property setback shall be provided along the perimeter of the parent tract (as of June 29, 1967)

with cluster building restriction lines used internally.

Such subdivisions must adhere to the minimum percentage of open space required for the corresponding zoning district described in Section 5-1.03.C.2. Such subdivisions must also adhere to the front roadway buffer requirement in accordance with Section 5-1.03.D.5.b.

(5/28/96) d. In cases where all proposed lots are a minimum of 20 acres, clustering is not required, provided that a note is recorded on the plat stating that no further subdivision of such lots is permitted.

3. Concept Plan

(5/28/96) a. Prior to submittal of an official subdivision application, a concept plan shall be submitted showing existing features and all potential building lots, roads, and other site improvements located in accordance with the provisions of this Ordinance. The purpose of this approach is to resolve problems before extensive engineering begins. In the event that any of the individual provisions of this Ordinance, relating to the placement of lots and roads (Section 5-1.03), conflict with each other as applied to a given site or that the permitted number of lots cannot be accommodated on the site under the provisions of this Ordinance, these conflicts shall be noted in writing by the applicant as part of the concept plan submittal. The Planning Commission or its designee may waive or reduce the requirement for a concept plan of the entire parent tract for certain minor subdivisions. Such waivers or reductions shall be granted on a case by case basis and limited to minor subdivisions where the proposal does not significantly impact the future layout and development of the parent tract (such as the creation of a lot

containing an existing house or creation of a single lot on a large parent tract).

b. The concept plan submittal shall be accompanied by a soils map (1" = 600'), an aerial photograph (1" = 600'), a tax map (1" = 600') and a topographic map (1" = 600'), each showing the boundaries of the proposed lots, the boundaries of the parent tract and the locations and boundaries of any lots created from the parent tract since June 29, 1967.

(5/28/96) c. The concept plan shall be reviewed by applicable County reviewing agencies and written comments shall be submitted to the applicant within 15 working days of the review.

B. Existing Features

The concept plan shall show existing land uses as identified below:

1. Forested area. Forested area shall be identified in accordance with the Calvert County Forest Conservation Program.
2. Cropland, pasture, meadow. All lands that have been cleared for use as cropland, pasture or meadow and which show up as such on 1990 aerial photographs.
3. Conservation Area. Wetlands, floodplains, steep slopes, streams and their buffers shall be identified as required in the Calvert County Zoning Ordinance and/or Subdivision Regulations.
4. Buildings, roads, overhead power lines and rights-of-way for gas, electric, telephone and cable lines, abandoned railroad rights-of-way, cemeteries, trails, trash dumps and hazardous waste dumps and fences shall be shown. Buildings older than 50 years shall be designated as such.

C. Building Lots

1. Permitted number of lots in the RUR, R-1 and R-2 zoning districts (see provisions for determining number of lots for Critical Area and Transfer Zones under applicable Sections).

(5/28/96) The maximum number of permitted lots on any given site shall be determined in accordance with the following formula (and the applicable sections of the zoning ordinance concerning Critical Area districts and Transfer Zone districts). Parcels with certain environmental constraints (wetlands, conservation areas, etc.) may not be able to accommodate the maximum number of lots.

In the Rural (RUR) Zoning District:

- a. Total acreage: _____
- b. Total acreage in zoned wetlands _____
- c. Total acreage minus acreage in zoned wetlands = Subtotal A: _____
- d. Total # of permitted grandfathered lots _____
- e. Total # of acres in grandfathered lots as permitted under Section 5- 1.01 B.2. _____
- f. Subtotal A minus total # of acres in grandfathered lots = Subtotal B: _____
- g. In RUR: Subtotal B + 5 - Subtotal C: _____
- h. Total number of permitted lots (Subtotal C plus total # of grandfathered lots in line d)
= _____

(5/28/96) In the R- I and R-2 Zoning Districts:

- i. Total acreage: _____
 - j. Total acreage in zoned wetlands _____
 - k. Total acreage minus acreage in zoned wetlands = Subtotal A: _____
 - l. Subtotal A (in line k.)) 40,000 square feet = Total number of permitted lots _____
2. Amount of Buildable Area
- a. In the Rural (RUR) District:

i. Within designated Farm Communities and Resource Preservation Districts, building lots shall be grouped onto no more than 20% of the site or the Equivalent of 1 acre per lot, whichever is greater.

ii. Within designated Rural Communities, building lots shall be grouped onto no more than 50% of the site
(5/28/96)

b. In Residential R-1 and R-2 Districts: Building lots shall be placed on no more than 70% of the site.

3. Lot Size, Setback and Site Access Requirements

To facilitate the placement of buildings and roads in accordance with the provisions in this ordinance, to minimize site disturbance and to ensure adequate light and air, the following lot size, setback and site access requirements shall be met:

a. Minimum lot size: 20,000 sq. ft.

(5/28/96) Health Department approval is required prior to preliminary approval for any lot on individual well and septic that is less than one acre in size. Land required for back-up septic systems may be located within designated community recreation open space.

b. Minimum Setbacks (exclusive of required buffers)
& Lot Width:

(5/28/96) Single-family detached residence in RUR, R-1 and R-2 Districts.

(5/28/96) Frontyard: minimum 25'

Sidyard: minimum 10'

Backyard: minimum 35'

Lot width: minimum 100' at front building restriction
line

(5/28/96) i. Building setbacks adjacent
to front roadway buffer areas shall be
measured from the edge of the buffer.

ii. If part of a building setback area
within a lot contains a wetland and/or
wetland buffer area, the appropriate
building setback shall be designated for
that yard or there shall be a minimum
ten foot setback from the edge of the
wetland buffer, whichever is greater.

iii. If part of a building setback area
within a lot contains a conservation
area, the appropriate building setback
shall be designated for that yard or
there shall be a minimum ten foot
setback from the edge of the
conservation area, whichever is greater.

(11/18/97) c. Minimum road frontage:
25 feet

All lots must have at least 25 feet of

frontage onto a public or private
right-of-way, except for adjacent flag
lots where the minimum road frontage
for each lot may be reduced to 12.5
feet as provided in sub-section d
below.

(11/18/97) d. Width of fee simple strips of flag lots: 25 feet

The fee simple strip of a flag lot shall be at least 25 feet wide over its
entire length, that is from the lot proper to its frontage onto the
right-of-way, except where the fee simple strips of two flag lots lie
adjacent to each other in which case each fee simple strip may be as
narrow as 12.5 feet wide, provided the two flag lots share and
maintain a common access driveway. A note shall be placed on the
subdivision plat stating that such driveway shall not be eligible for
county maintenance.

(11/18/97) e. The fee simple strips of no more than two flag lots
shall lie adjacent to each other.

(11/18/97) f. Use of a private lane to serve three to five lots:

A private lane may be provided to serve three to five lots, provided it meets the
standards on plate rd-1 of the calvert county road ordinance (specifications and
design standards).

4. To ensure adequate fire and safety protection, all buildings shall be accessible to rescue vehicles and
fire trucks.

D. Placement of Lots and Roads

The concept plan shall show the proposed size and locations of building lots. Lots and roads shall be located in areas where they will have the least effect on forests, sensitive areas and cropland and where they will contribute toward preserving and maintaining existing farm structures and historic structures, as well as the scenic and rural character of the County.

The Planning Commission may modify those provisions designated with an asterisk to the minimum extent needed to resolve conflicts between individual provisions of this Ordinance or to address unique site constraints.

(11/18/97) 1. Protection of Forested Areas and Wildlife Habitat

a. All of the provisions in the Calvert County Forest Conservation Program shall be met.

*b. Buildings and roads shall be located at forest edges or clustered in a manner that will maximize the amount of contiguous forested area left intact. The portion of the existing forested area that is to be retained should be determined with reference to the location of forested land on adjacent properties so as to maintain contiguity where feasible.

*c. Long roads and driveways (more than 400') penetrating into an existing forest shall be avoided.

2. Protection of Sensitive Areas

a. All of the provisions in the Calvert County Zoning Ordinance and Subdivision regulations governing protection of wetlands, floodplains, steep slopes, and blue line streams shall be met.

*b. Road and driveway crossings through wetlands, floodplains, steep slopes and blue line streams shall be avoided.

(5/28/96) 3. Protection of Existing Cropland, Pasture and Meadow in the Farm Community Overlay District

*a. Buildings and roads shall be located in a manner that will retain existing cropland, pasture and meadow and avoid dividing existing cropland.

*b. If the existing cropland, pasture or meadow has Class I, Class II and/or Class III soils, the buildable area may include up to 20% of the total area of cropland, pasture and meadow existing prior to subdivision. The portion of the open land that is retained should be determined with reference to the location of cropland on adjacent properties so as to maintain contiguity where feasible.

*c. If the cropland, meadow or pasture does not have Class I, Class II and/or Class III soils, up to 100% of the area may be converted to buildable area, provided all of the other conditions in this Ordinance are met.

4. Protection of Farm Structures and Historic Structure

*a. In the event existing farm structures (such as barns, outbuildings and fences)

are located on the site, they shall be retained and included together with cropland, pasture and/or meadow as part of one or several farm lots.

b. In the event any building on the site is 50 years old or older, the Historic District Commission shall be notified to determine whether the building has historic merit.

*c. In the event the Historic District Commission determines that the building has historic merit, the building shall be retained and incorporated into the site where feasible, and views of the building from roads, adjacent properties and proposed building sites shall be protected.

d. The Planning Commission may require screening between existing farm and/or historic structures and new houses.

5. Protection of Rural Character, Scenic Vistas and Impact on Adjacent Properties

a. Buildings and roads shall be located in a manner that will maintain and enhance a visually attractive rural landscape.

(5/28/96) b. Front Roadway Buffer

Building sites shall be designed to afford the least visibility of the development from existing public roads. A front roadway buffer shall be provided along all public roads in the RUR, R-1, and R-2 Zoning Districts except along those roads that are internal to the subdivision.

The front roadway buffer shall meet one or more of the following requirements below. Buffering along Rt. 4 shall be increased as indicated.

- i. A naturally vegetated buffer at a minimum of 100' in width from the right-of-way line (200' in width from Rt. 4) into the parcel, or

- ii. if a naturally wooded buffer does not exist, the applicant shall have the option of planting a 100'wide wooded buffer (200' wide wooded buffer adjacent to Rt. 4) as shown in Figure 5A.

In instances where only part of a naturally wooded buffer exists, the existing buffer can be

enhanced to a 100' wide
wooded buffer with
additional plantings as
approved by the Planning
Commission or its
designee, or

iii. if open space is
created along the
roadside in a clustered
subdivision, no plantings
are required. The open
space shall be a minimum
depth of 200' from the
edge of the road
right-of-way (300' from
Rt. 4). Houses adjoining
the open space shall be
arranged so that the rears
of the houses are not
visible from the road.

iv. Exceptions:

(a) The Planning
Commission or its
designee may reduce or
waive the front roadway
buffer for lots containing
existing houses.

(b) The Planning Commission or its designee may reduce the front roadway buffer to a minimum 60' wide wooded or planted buffer to accommodate the conventional number of lots. Reductions in the front roadway buffer may not be granted in order to accommodate additional lots created through the use of Transfer Development Rights.

(c) The Planning Commission or its designee may reduce or waive the front roadway buffer if the proposed building design and site design significantly contribute to maintaining rural character consistent with published rural guidelines.

(d) The front roadway buffer shall not be

required in R-1 and R-2
zoned areas of the
following roads:

Fifth Street in the Twin Beach area.

Boyd's Turn Road

Calvert Beach Road

Long Beach Road

Holland Cliff Road

Western Shores Boulevard

White Sands Drive

Planters Wharf Road

Cove Point Road

Little Cove Point Road

Dowell Road

Olivet Road

Rousby Hall Road

c. Adjacent Property Setback

In all clustered subdivisions in the Rural (RUR) Zoning Districts, a 100' adjacent property setback shall be provided along adjacent property boundaries. In the R-1 and R-2 Zoning Districts, the adjacent property setback shall be 50'. Entire septic recovery areas and/or wells may be located in the adjacent property setback.

Exceptions:

- i. The adjacent property setback shall not be required along any parcel or lot which has been created from the same parent tract defined as of June 29, 1967. Any new lots in a subdivision that adjoin such a previously created parcel or lot will have the same building setbacks as said parcel or lot.
- ii. A subdivision less than twenty acres that under Section 5-1.03.A.2.c. is being designed as conventional subdivision shall not require an adjacent property setback. Conventional building setbacks shall be used instead.
- iii. The adjacent property boundary setback may be reduced to the corresponding conventional rear building restriction line for that zoning district if written approval is given by the adjacent property owner. An adjacent property owner may not waive the requirement for a roadway buffer.
- iv. Generally roads and driveways shall not be designed so that they are placed in the adjacent property setback that adjoins the rear lot lines of lots in an adjoining subdivision. However, driveways and roads may be located in the adjacent property setback to

accommodate good site design such as avoiding environmentally sensitive areas (wetlands, wetland buffer areas, floodplains and conservation areas) and providing for shared entrances or entrances with the optimum sight distance.

(5/28/96) *d. Fencing such as cattle fencing and chain link fencing shall be required adjacent to all active farms and Agricultural Preservation Districts to protect farming operations from intruders (i.e., dogs and off-road vehicles) that can cause damage to crops and farm machinery. Additionally, the Planning Commission or its designee may also require buffering in the form of forest buffer preservation or forest buffer plantings for subdivisions adjacent to active farms.

e. On-Site Roads

i. Exceptions to the Calvert County Road Ordinance may be approved by the County Engineer for the purpose of maintaining and/or creating a traditional rural community design, provided that the proposed exceptions are consistent with the Manual on Uniform Traffic Control Devices (MUTCD) and current American Association of State Highway and Transportation Officials standards (ASHTO).

ii. As part of road construction, on-site roads shall be planted outside the right-of-way on both sides with shade trees spaced a minimum 30 feet apart on center. This provision may be modified at intersections as needed to comply with sight distance requirements.

6. Community Design

*Buildings and roads shall be designed to promote a sense of community within the subdivision by creating a centralized community focal point such as a village green or community park, by providing on-site trails and walkways and by relating buildings to each other and to the designated open space within a coherent arrangement of buildings, open space and roads.

At minimum, buildings shall be arranged to avoid facing the front of a house onto the back of another house.

Trails, walks, and sidewalks shall be located outside the County right-of-way except where they Must cross the right-of-way.

Maintenance of trails, walks, and sidewalks shall be the responsibility of property owners.

7. Provision of Open Space for Community Use and Recreational Areas

(5/28/96) a. All of the provisions in Section 5.80-5.85 of Calvert County Subdivision Regulations shall be met.

b. In the event the parcel includes areas which have been identified in an officially adopted plan as part or all of a potential trail, greenway or park, these areas shall be included as part of the designated open space. Ownership and management of the open space shall be negotiated between the applicant and the County or a County designee on a case by case basis.

E. Designation, Preservation and Ownership of Open Space

Open space shall be protected by legal arrangements which are adequate to assure the preservation and continued maintenance of the open space for its intended purposes in perpetuity. Covenants or other legal arrangements shall specify ownership of the open space. The legal arrangements shall also include any other matters deemed necessary to carry out the purposes of the development.

1. Designation of Open Space

(5/28/96) To qualify as part of the required 30% - 50% - 80% open space, land shall be capable of meeting the criteria of one or several of the following categories and shall be labeled as such on the preliminary plat.

Land that is designated as open space within any of these categories may be retained as part of an

undivided open space parcel, or may be subdivided as individual open space parcels, provided that each parcel is capable of meeting one or several of the criteria listed below and is at least 20 acres in size. In no case may designated open space, whether held as a single parcel or subdivided into several parcels, be eligible for future development.

a. Farm Reserve - land that has been cleared for use as cropland, pasture or meadow and which shows up as cleared area on 1990 aerial photography and which is of adequate size and configuration to continue to function as cropland, pasture or meadow as determined upon recommendation by the Agriculture Preservation Board.

b. Woodland Reserve - the portion of a pre-existing and/or afforested forest that is to remain contiguous and undisturbed by roads, buildings, and lawns and which is of sufficient acreage to allow for timber production or wildlife management as determined by a forester licensed in the State of Maryland.

c. Conservation open space - wetlands, floodplains, steep slopes, streams and their buffers.

d. Community Recreation open space - recreational open space as required in Section 5.80 of the Calvert County Subdivision Regulations.

(6/17/97) e. Public Access Open Space:

i. Land that is to be deeded to a government agency or non-profit land trust which agrees to provide public access to any dedicated open space it owns or manages for the purpose of providing space for parks, playgrounds, green spaces or other recreational purposes and/or for the protection of

sensitive areas.

ii. Land that is to be developed as a golf course with the following conditions:

- (a) That at least 175 acres of open space shall be set aside for the golf course.
- (b) That no more than 75% of the open space shall be used by the golf course.
- (c) That open space created prior to the adoption of this amendment shall not be used as a golf course. After the adoption of this amendment, all potential purchasers of lots within a subdivision which contains open space intended for use as a golf course shall be notified of such intention by a note being placed on the recorded plat.
- (d) That no more than 5% of the open space shall consist of impervious surfaces (i.e., clubhouse, pro shop, etc.). Note: The Planning Commission may increase the allowable impervious surfaces to a maximum of 7% provided that the golf course is designed so as to provide other public amenities.
- (e) That environmental practices which will preserve as much of the natural habitat of the open space as possible and control the use of pesticides shall be followed. Such practices are described in a booklet entitled, "Environmental Principles for Golf Courses in the United States", (available from the Department of Planning & Zoning).
- f. Forest buffer open space - land that meets the criteria for buffer areas listed in Section 5-1.03.D.5.b.

(5/28/96) g. Public rights-of-way and road widening strips.

Land that does not fit within any of the above categories shall be included in the buildable area.

2. Preservation of Open Space

a. Conservation Easements for the Retention of Open Space.

Concurrent with the recording of a subdivision, a conservation easement on any land designated as public or private open space under the provisions of this Section (5-1.03) of the Calvert County Zoning Ordinance shall be deeded to the County or ,County-approved designee to further ensure that the designated open space will remain undeveloped in perpetuity.

The conservation easement shall be solely for the purpose of ensuring that the land remains undeveloped and shall not, in any way, imply the right of access onto the property or any other right or obligation not expressly defined under the terms of the easement.

b. Deed Covenants and Owner's Certificate

Covenants in the deeds of all property owners (including owners of lots and owners of open space) and an owner's certificate on the recorded plat shall state that the open space shall not be used as building sites for residential, commercial, or industrial development. Structures accessory to on-site farming, forestry and subdivision recreation purposes are permitted.

Within Farm Communities, covenants in the deeds of all property owners and a note on all subdivision plats shall also state that farming practices that may conflict with residential use activities will be occurring on adjacent lands and are permitted by right.

3. Ownership of Open Space

a. The owner of record at the time of subdivision shall have the option of retaining title or conveying, at his/her discretion, any and all parcels of open space created through the subdivision process.

b. Any parcel of open space which is not retained by the owner of record at time of subdivision or acquired by the County for the purpose of providing trails, parks, playgrounds, green spaces or other recreational amenities may be sold or otherwise conveyed to an individual, organization or governmental entity.

c. Any individual, organization or governmental entity which holds title to any

parcel of open space may elect to grant community or public access to that parcel or may elect to convert that parcel into any one of the various categories of open space for which it qualifies.

d. Any portion or portions of the open space held by a Homeowners' Association shall be governed by covenants addressing the method of maintenance, maintenance fee and insurance arrangements, mandatory membership and assessment requirements, sales disclosure (public offering statement), improvement of common property, timing of conveyance of common property, timing of governance transition to the Homeowners, and maximum assessments.

(5/28/96) 4. Exception: In the event the applicant is not proposing to create all of the lots permitted on the parent tract and wishes to reserve the right to develop the additional lots at a later time, up to three lots may be created from the parent tract as of January 1, 1993 prior to meeting the provisions in this Section (Section 5-1.03 E.) provided that:

- a. A note is placed on the plat stating that the residue is entitled to (fill in number) additional lots which shall be subject to the provisions of Section 5-1.03 E. and
- b. The residue includes enough acreage to meet the minimum open space requirements for the lots created and the number of permitted lots remaining on the residue and
- c. All of the other provisions in this Section (5-1.03) are met.

5-1.04 Lot Area, Lot Width, Setback Requirements for Commercial & Industrial Development

5-1.05 Lot Area, Lot Width, Setback Requirements for Accessory Uses

(11/17/87) *Front setbacks for bus shelters may be reduced to 0' if the Dept. of Public Works & the Dept. of Public Safety certify that the reduction will not adversely affect public safety.

**Side setbacks for bus shelters may be reduced to 0' when written approval is obtained from the adjoining property owner on lots containing a lot stem of 25' or less.

***Subdivision entrances may be within the right-of-way if approved by the County Engineer.

5-1.06 Height Regulations for All Districts

No building or structure shall exceed 40 feet, plus the roof, except as follows:

A. In areas where there is a water supply system which is capable of providing adequate supply for fire protection, is certified by the agency providing fire protection, and is in compliance with Article 38A,

Annotated Code of Maryland, a height of 50 feet, plus the roof, shall be permitted in the following districts:

! R-2 District

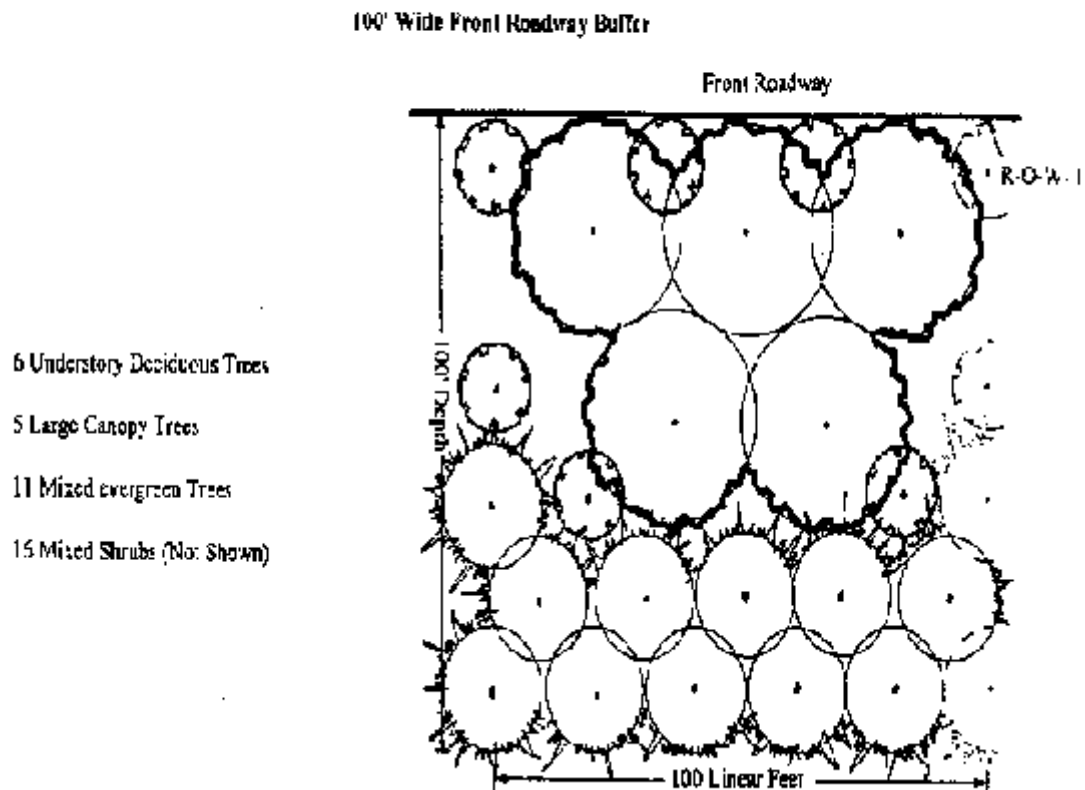
! TC District

! I-1 District

B. Roof structures for housing stairways, or similar equipment required to operate and maintain the building are exempt from height restrictions.

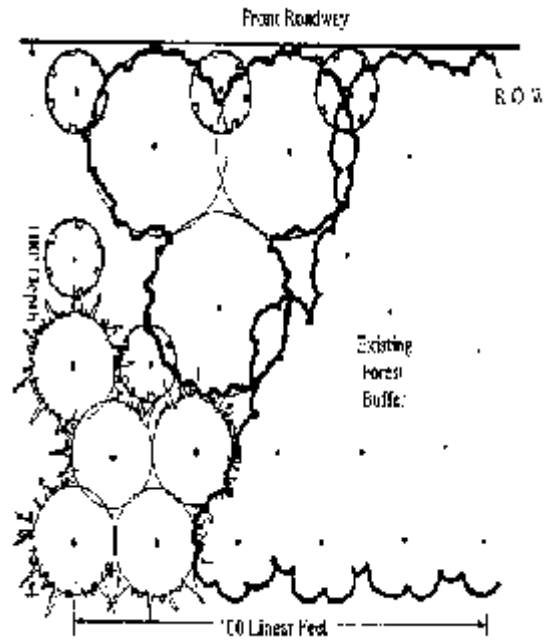
C. Fire towers, hose towers, cooling towers, steeples, flag poles, silos, smokestacks, masts, transmission line poles and towers, water tanks, monuments and similar structures are exempt from height restrictions.

Figure 5A: Section S-1.03.D.5.b. - Front Roadway Buffer Standards



For partially existing wooded buffers, plant quantities may be adjusted on a case by case basis. Existing trees retained can be substituted for planted trees on a tree for tree basis.

Scale 1" = 30'

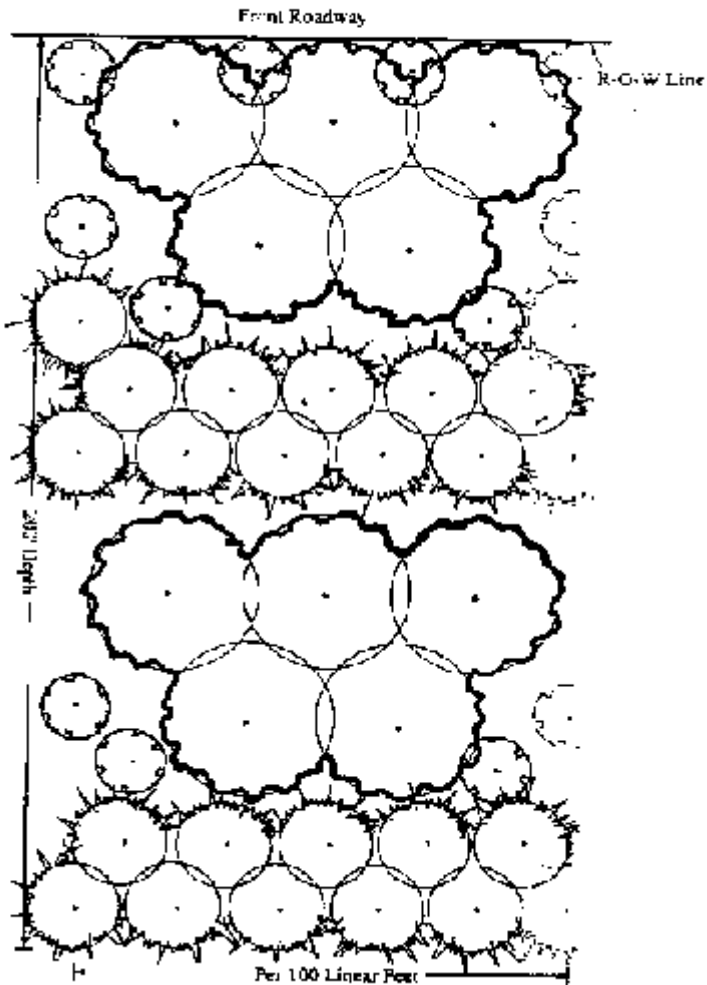


**200' Wide Front Roadway Buffer
(For RA 4 Only)**

- 9 Understorey Deciduous Trees
- 10 Large Canopy Deciduous Trees
- 21 Mixed Evergreen Trees
- 22 Mixed Shrubs (Not Shown)

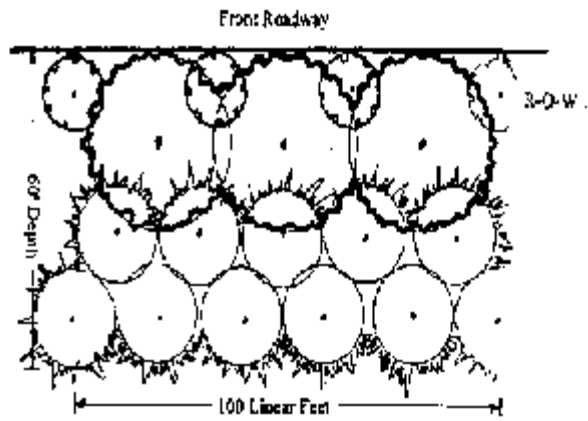
For partially existing wooded buffers, plant quantities may be adjusted on a case by case basis. Existing trees retained can be substituted for planted trees on a tree for tree basis.

Scale 1" = 30'



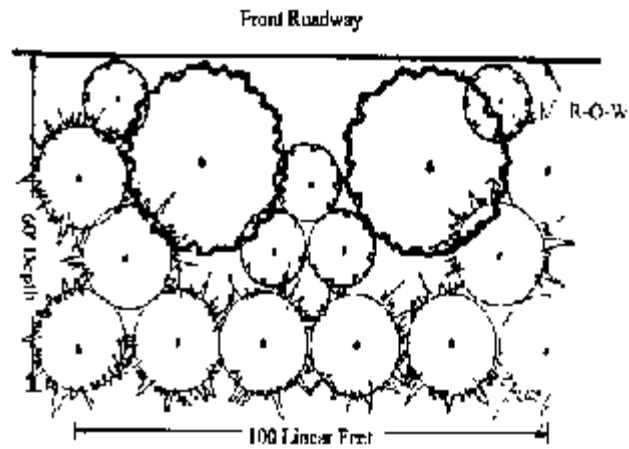
60' Wide Front Roadway Buffer (Option A)

- 3 Understory Deciduous Trees
- 3 Large Canopy Trees
- 10 Mixed Evergreen Trees
- 10 Mixed Shrubs (Not Shown)



60' Wide Front Roadway Buffer (Option B)

- 5 Understory Deciduous Trees
- 2 Large Canopy Trees
- 8 Mixed Evergreen Trees
- 10 Mixed Shrubs (Not Shown)



Scale 1" = 30'